

K2
T



SUBJECT TRACT



PENDING CASE



ZONING BOUNDARY

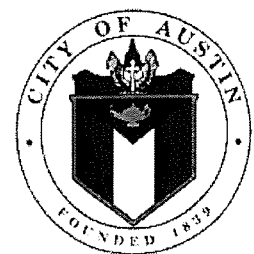
NOTIFICATIONS

CASE#: C15-2016-0015

8006 COLONY LOOP DRIVE

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



1" = 208'

Special Exception

112
2

CASE# C15-2016-0015
ROW# 11469343
TAX# 0219380412

CITY OF AUSTIN
APPLICATION TO BOARD OF ADJUSTMENT
GENERAL VARIANCE/PARKING VARIANCE

WARNING: Filing of this appeal stops all affected construction activity.

PLEASE: APPLICATION MUST BE TYPED WITH ALL REQUESTED
INFORMATION COMPLETED.

STREET ADDRESS: 8006 Colony Loop Dr.

LEGAL DESCRIPTION: Subdivision - Lakeside 1-B

Lot(s) 1 Block 7 Outlot Division

I/We Josephina Ochoa on behalf of myself/ourselves as authorized agent for

self affirm that on 21st, 11/2 Dec.

hereby apply for a hearing before the Board of Adjustment for consideration to:

(check appropriate items below and state what portion of the Land Development
Code you are seeking a variance from)

___ ERECT ___ ATTACH ___ COMPLETE ___ REMODEL ☒ MAINTAIN

carport in front setback that was
constructed at least 10 years ago.
Storage structure to be rebuilt to comply.

in a SF-2 district.
(zoning district)

NOTE: The Board must determine the existence of, sufficiency of and weight of evidence
supporting the findings described below. Therefore, you must complete each of the applicable
Findings Statements as part of your application. Failure to do so may result in your application
being rejected as incomplete. Please attach any additional support documents.

VARIANCE FINDINGS: I contend that my entitlement to the requested variance is based on the following findings (see page 5 of application for explanation of findings):

X2
1/3

REASONABLE USE:

1. The zoning regulations applicable to the property do not allow for a reasonable use because:

special exception

HARDSHIP:

2. (a) The hardship for which the variance is requested is unique to the property in that:

special exception

- (b) The hardship is not general to the area in which the property is located because:

special exception

AREA CHARACTER:

3. The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:

special exception

PARKING: (Additional criteria for parking variances only.)

Request for a parking variance requires the Board to make additional findings. The Board may grant a variance to a regulation prescribed Section 479 of Chapter 25-6 with respect to the number of off-street parking spaces or loading facilities required if it makes findings of fact that the following additional circumstances also apply:

1. Neither present nor anticipated future traffic volumes generated by the use of the site or the uses of sites in the vicinity reasonable require strict or literal interpretation and enforcement of the specific regulation because:

NA

2. The granting of this variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic of the streets because:

NA

3. The granting of this variance will not create a safety hazard or any other condition inconsistent with the objectives of this Ordinance because:

NA

4. The variance will run with the use or uses to which it pertains and shall not run with the site because:

NA

NOTE: The Board cannot grant a variance that would provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated.

APPLICANT CERTIFICATE – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed Josephina Ochoa Mail Address _____

City, State & Zip _____

Printed Josephina Ochoa Phone 526 99 7176 Date 12-21-15

OWNERS CERTIFICATE – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed Josephina Ochoa Mail Address _____

City, State & Zip _____

Printed Josephina Ochoa Phone 526 99 7176 Date 12-21-15

josephinaochoa@yahoo.com

K2
5

25-2-476 SPECIAL EXCEPTIONS.

(A) The Board of Adjustment shall grant a special exception for an existing residential structure, or portion of an existing structure, that violates a setback required under Chapter 25-2 (Zoning) if the board finds that the special exception meets the requirements of this section.

(B) The Board shall grant a special exception under Subsection (A) of this section if:

- (1) the residential use for which the special exception is sought is allowed in an SF-3 or more restrictive zoning district;
- (2) the building official performs an inspection and determines that the violation does not pose a hazard to life, health, or public safety; and
- (3) the Board finds that:
 - (a) the violation has existed for:
 - (i) at least 25 years; or
 - (ii) at least 10 years, if the application for a special exception is submitted on or before June 6, 2016;
 - (b) the use is a permitted use or a nonconforming use;
 - (c) the structure does not share a lot with more than one other primary residence; and
 - (d) granting a special exception would not:
 - (i) alter the character of the area;
 - (ii) impair the use of adjacent property that is developed in compliance with city code;

or

(iii) grant a special privilege that is inconsistent with other properties in the area or in the district in which the property is located.

(C) A special exception granted under this section:

- (1) applies only to the structure, or portion of a structure, for which the special exception was granted and does not run with the land;
- (2) may not authorize an increase in the degree of noncompliance or excuse compliance with minimum health and safety requirements; and
- (3) may not authorize a remodel or addition to the existing structure, except to the extent required by the building official to meet minimum life and safety requirements.

(D) A structure granted a special exception under this section shall be treated as a non-complying structure under Chapter 25-2, Article 8 (Noncomplying Structures).

Source: Ord. 20110526-098; Ord. 20121108-091; Ord. 20130822-126.


2006 Aerial


CITY OF AUSTIN DEVELOPMENT WEB MAP


8006 Colony Loop




Legend


 Lot Lines


 Streets

 Building Footprints

 Named Creeks

 Lakes and Rivers

 Parks

 County

6/12

THIS PRODUCT IS FOR INFORMATIONAL PURPOSES AND MAY NOT HAVE BEEN PREPARED FOR OR BE SUITABLE FOR LEGAL, ENGINEERING, OR SURVEYING PURPOSES. IT DOES NOT REPRESENT AN ON-THE-GROUND SURVEY AND REPRESENTS ONLY THE APPROXIMATE RELATIVE LOCATION OF PROPERTY BOUNDARIES. THIS PRODUCT HAS BEEN PRODUCED BY THE CITY OF AUSTIN FOR THE SOLE PURPOSE OF GEOGRAPHIC REFERENCE. NO WARRANTY IS MADE BY THE CITY OF AUSTIN REGARDING SPECIFIC ACCURACY OR COMPLETENESS.

x2

[illegible]

COUNTY OF *Travis*

Ramiro Ochoa and Arturo Melgoza, who

"My name is Ramiro Ochoa / Arturo Melgoza

I am of sound mind and capable of making this sworn statement. I have personal knowledge of the facts written in this statement. I understand that if I lie in this statement I may be held criminally responsible. This statement is true.

Please see attached document

12/8

Ramiro Ochoa / Arturo Melgoza

[The person who has personal knowledge of this statement must sign it.
DO NOT SIGN this statement until you are in front of a notary.]

State of Texas

County of Texas

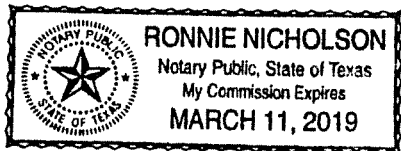
[name of county where statement is notarized.]

SWORN to and SUBSCRIBED before me, the undersigned authority, on

the 1 day of December, 2015 year, by

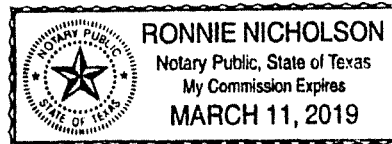
Ramiro Ochoa and Arturo Melgoza

[PRINT the first and last names of the person who is signing this affidavit.]



[Signature]

Notary Public, State of Texas [Notary's signature.]



[Notary's seal must be included.]

10/27/15

K2
1/9

Attention:

City of Austin Code Compliance Department, Mike Carter, Code Compliance Inspector

Case CV- 2014-080331

Address: 8006 Colony Loop Dr 78724

Hello, Mike Carter

My name is Ramiro Ochoa and my wife is Josephina Ochoa, I am of sound mind and capable of making this sworn statement. I have personal knowledge of the facts written in this statement. I understand that if I lie in this statement I may be held criminally responsible. This statement is true.

We are writing this letter in regards to the city of Austin concerns about our carport. We had our carport built in July 2005, something we positively remember is reinforcing the carport from the weather due to concerns of Hurricane Katrina coming this way. My neighbors across the street have been living there for over 15 years and they can witness and attest to the carport being built at that time.

We are asking that the City of Austin will please consider this letter and the actual fact of the carport standing strong for 10 years under the grandfather plan. If you have any questions please don't hesitate to call me at 512-788-7947 (Ramiro)

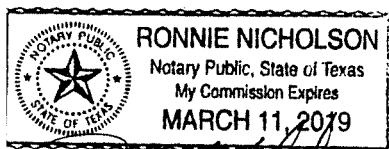
Thank you for your time.

Sincerely,

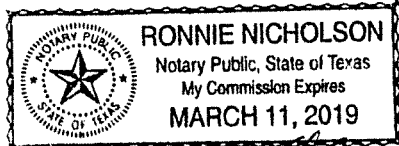
Arturo Melgoza
witness, ARTURO MELGOZA 12-1-15

Ramiro Ochoa Jr. 12-1-15

Ramiro Ochoa Jr.



Ramiro Ochoa Jr.
12-1-15



Ramiro Ochoa Jr.
12-1-15

Address: 8006 Colony Loop DR

Permit: 171605

Plat: file

Lot: 1

Block 4

Subdivision:

Outlot

Subdivision sub 1-13

Fire Zone: 3

Use Dist. A-1st

Occupancy: FARM RES W/POOL Ven 3 att gar

3-31-78	Layout	4-8-78	Framing	9-12-78	Final	Commercial
Foundation	CONC	Floor joist	SLAB	Bldg. Conn.	—	Parking
Front setback	25-15	size & o.c.	—	Room Vent.	—	Exits
Total & Min. side yard	22	ceiling joist	T	Stairs	—	Exit lights
Side St. Yard	7	size & o.c.	24"	Rails	—	Fences
		stud size	2x4	Attic Vent.	—	Corridors
		& o.c.	16"	Insulation	R-19	
Type Const.	H	W. Insulation	R-11	Hood Vent.	—	
Spec. Permit #		Sheetrock	OK	Glass	—	
BOA		Commercial Sheetrock		Deadbolts	—	
		Occup. Sep.		Fireplaces	—	
		Thru out		Smoke Detector	—	

Owner: Ray Ellison

Contractor: OWNER

50.5' X 40.9' less 32' X 15' = 1576 sq ft



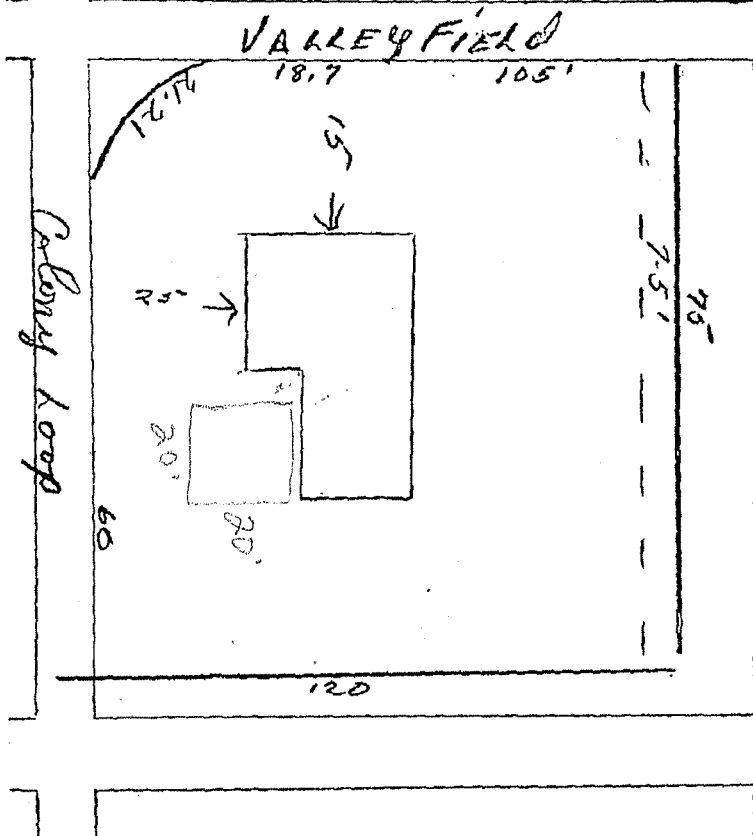
BID 2005 JUNE 77

City of Austin

Clerk: Jody

Date: 3-30-78

Address:

FINAL OIC
9-12-78

Inspector: BR

AE APPROVED

SEP 08 2014

251-202
JGMAll structures etc. must maintain 7'5"
clearance from AE energized power
lines. Enforced by AE & NESC codes.

Colony Park Neighborhood Assoc.
P.O. box 12891
Austin, Texas 78711 – 2891

K2
11

August 19, 2013

Code Compliance/Improper Carports

Director: Carl Smart
1520 Rutherford Lane
Austin, Texas 78754

Dear Mr. Smart,

It has been brought to the attention of the Colony Park Neighborhood Association that several residents have received notices that their Carports are in violation of code compliance. On June 29, 2013 our association participated in a ride through the neighborhood with code compliance, one of our inexperienced members was paired with a code compliance officer who was not familiar with the area which resulted in several homeowners carports being deemed not up to code because the carports are not set back twenty-five feet from the street.

In many cases the homeowners that received these notices have had their carports for thirty years or more. This neighborhood has been disenfranchised for many years and in the last several months we have made great strides in working with several city departments, as well as meeting with City Council with matters pertaining to the Sustainable Grant that Colony Park was awarded by HUD.

Colony Park Neighborhood has many disadvantages one being many people living on fixed incomes or incomes at or below the poverty level. To comply with this ordinance would cause great hardship, both physical and financially.

Our neighborhood is asking for these carports to be grandfathered in since they have been in existence for 10 years or more, and do not pose a hazard to life, health, or public safety. A setback of twenty-five feet might be possible in some areas, but not in the Colony Park area where many of the houses are less than 1300 square feet.

We the residents of the Colony Park neighborhood and the Neighborhood Association are appealing to you to work with us and develop an amicable solution that can be palatable for your department as well as the neighborhood.

With Sincere Thanks

Barbara Scott – President Colony Park Neighborhood Association

